

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LYDIAN WEALTH MANAGEMENT
COMPANY, LLC and WINDERMERE
INVESTMENT ASSOCIATES, LLC,
Plaintiffs,

CV 06-1796-PK

v.

OPINION AND
ORDER

NANCY L. JACOB,
Defendant.

MOSMAN, J.:

On October 11, 2007, Magistrate Judge Papak issued Findings and Recommendation ("F&R") (#113) in the above-styled action, recommending that defendant Jacob's motion for partial summary judgment (#16) be granted as to each of plaintiffs' claims against her. On January 25, 2008, upon review of plaintiffs' objections to Judge Papak's F&R and all of the pleadings on file in this action, I agreed with Judge Papak's reasoning and adopted the F&R (#113) as my own opinion.

Now before the court is plaintiffs' motion for entry of final judgment pursuant to Federal Civil Procedure Rule 54(b) (#133). Plaintiffs request that this court certify its January 25, 2008, order entering summary judgment in favor of defendant as to each of plaintiffs' claims for relief as a final and therefore appealable judgment.

Federal Civil Procedure Rule 54(b) provides, in relevant part, that:

When an action presents more than one claim for relief – whether as a claim, counterclaim, crossclaim, or third-party claim – or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.

Fed. R. Civ. P. 54(b). Here, there is no just reason for delay in directing final judgment as to plaintiffs' claims. Each of plaintiffs' claims for relief was completely resolved when partial summary judgment was entered in Jacob's favor. Moreover, no parties' rights will be prejudiced by permitting immediate appeal from partial summary judgment, and Jacob does not oppose plaintiffs' motion.

Because this court expressly finds no just reason for delay, a final judgment will be prepared in defendant's favor as to each of plaintiffs' claims for relief, pursuant to Rule 54(b).

IT IS SO ORDERED.

Dated this 21st day of February, 2008.

/s/ Michael W Mosman
MICHAEL W. MOSMAN
United States District Court